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Attorneys for Plaintiffs
MARK CASSINGHAM, individually and on behalf of all others
similarly situated

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARK CASSINGHAM, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CINTAS CORPORATE SERVICES, INC.,

Defendant.

Case No. 5:17-cv-05014-BLF

**STIPULATION FOR DISMISSAL AND
~~PROPOSED~~ ORDER**

Judge: Hon. Beth Labson Freeman
Date Filed: August 29, 2017

SQUIRE PATTON BOGGS (US) LLP

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Attorneys for Defendants
CINTAS CORPORATION NO. 2, *erroneously*
named as CINTAS CORPORATE SERVICES,
INC.

SQUIRE PATTON BOGGS (US) LLP
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WHEREAS, on August 29, 2017, plaintiffs filed *Cassingham v. Cintas Corporate Services*, Case No. 5:17-cv-05014, in the United States District Court for the Northern District of California (“*Cassingham Action*”) against defendants (collectively “Cintas”), alleging that Cintas had failed to pay all overtime wages due under the FLSA and certain state laws;

WHEREAS, Plaintiffs Jair Ortey and Jared Burton opted into the *Cassingham Action* but now, along with Plaintiff Mark Cassingham, have determined to dismiss with prejudice their respective causes of action and/or claims against Cintas as set out in the *Cassingham action*;

WHEREAS, the PAGA claim made by Plaintiffs in this action is already the subject of litigation and a negotiated settlement in the related cases, *Lisa Paramo v. Cintas Corporate Services, Inc., et al.* (Superior Court of California, County of San Bernardino CIVDS1719941) and *Ato Williams v. Cintas Corporate Services, Inc., et al.* (United States District Court, Northern District of California 3:17-cv-1623);

NOW THEREFORE, the parties, through their respective counsel of record, hereby stipulate:

Plaintiffs Mark Cassingham (“Cassingham”), Jair Ortey (“Ortey”), and Jared Burton (“Burton”) hereby withdraw and dismiss with prejudice, all causes of action and claims made in *Cassingham v. Cintas Corporate Services*, N.D. Cal., Case No. 5:17-cv-05014-BLF, except for Plaintiffs’ PAGA action, which shall be dismissed with prejudice only as to the claims of Cassingham, Ortey and Burton and dismissed without prejudice as to the representative aspect of the PAGA claim which representative claim is otherwise the subject of the settlement in the aforementioned *Williams* and *Paramo* matters.

Neither this stipulation nor the order of dismissal thereon shall constitute or imply any admission, concession or adjudication by any party regarding any claim raised in or by the *Cassingham Action*.

This stipulation may be executed in counterparts and the executed counterparts may be exchanged electronically or by facsimile, but all such counterparts taken together shall constitute but one and the same stipulation.

Each party shall bear its own costs, attorneys' fees and litigation expenses related to the *Cassingham* Action.

IT IS SO STIPULATED.

Dated: August 16, 2019

Respectfully submitted,

**OUTTEN & GOLDEN LLP;
SOMMERS SCHWARTZ, P.C.**

By: /s/ Kevin J. Stoops

Jahan C. Sagafi
Kevin J. Stoops
Charles R. Ash, IV

Attorneys for Plaintiff
MARK CASSINGHAM, individually and on
behalf of all others similarly situated

Dated: August 16, 2019

Respectfully submitted,

SQUIRE PATTON BOGGS (US) LLP

By: /s/ Marisol C. Mork

Michael W. Kelly
Marisol C. Mork

Attorneys for Defendant
CINTAS CORPORATION NO. 2, *erroneously
named as* CINTAS CORPORATE SERVICES,
INC.

ATTESTATION STATEMENT

I, Marisol C. Mork, am the ECF User whose identification and password are being used to file this STIPULATION FOR DISMISSAL AND [PROPOSED] ORDER. Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in this filing has been obtained from all counsel and I will maintain records to support such concurrence.

/s/ Marisol C. Mork

Marisol C. Mork

~~PROPOSED~~ ORDER

Under Federal Rule of Civil Procedure Rule 41(a)(1), this Court has reviewed the parties' stipulation and good cause appearing therefore, hereby approves the withdrawal of the Plaintiffs Mark Cassingham, Jair Ortezt, and Jared Burton and further orders the following:

1. Plaintiffs' sixth cause of action (for PAGA claims) is hereby dismissed without prejudice;
2. Plaintiffs' first, second, third, fourth, and fifth causes of action are hereby dismissed with prejudice.
3. Each party shall bear their own fees and costs.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 19, 2019


The Honorable Beth Labson Freeman
UNITED STATES DISTRICT COURT JUDGE